

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07 - 0100 MHP
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER
vs.	)	
	)	
KENT H. ROBERTS,	)	
	)	
Defendants.	)	

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WHEREAS, the parties are currently scheduled to appear for status hearing on Monday, May 21, 2007, at 10:00 a.m. before this Court;

WHEREAS, the United States has produced to the defense six CD-ROMs containing over 10,000 pages of documents along with additional paper-based discovery; the United States is also proceeding with the reproduction and coding of additional documents provided by third-party accounting firms;

WHEREAS, the defense has begun in earnest its review of the material provided by the United States and has raised some questions in regard to the manner in which the electronic-based discovery was compiled and coded; the United States is currently following up with the law firm of Wilson, Sonsini who originally gathered and produced the documents to the United States in its

1 role as counsel to Mr. Roberts' prior employer, Networks Associates/McAfee;

2 WHEREAS, counsel for the United States is now scheduled to be out of the District on  
3 Monday, May 21, 2007;

4 WHEREAS, counsel for both parties agree that a short continuance of this matter will  
5 permit the United States to substantially complete its discovery obligations to the defense as well  
6 as provide the defense with sufficient time to review the material prior to returning to Court for a  
7 status conference to set further dates and proceedings in this matter;

8 WHEREAS, the Court previously determined this case to be complex, such that the ends of  
9 justice served by granting the continuance outweigh the best interest of the public and the  
10 defendant in a speedy trial and the Court therefore tolled the Speedy Trial Clock, pursuant to  
11 18 U.S.C. §§ 3161(h)(8)(A), (B)(ii), from March 5, 2007 until May 21, 2007;

12 WHEREAS, the parties are in agreement that given the United States' ongoing production  
13 of discovery to the defense as well as the need for the defense to review the large amount of  
14 material already produced, it is appropriate to exclude time based not only on complexity under  
15 section 3161 (h)(8)(A),(B)(ii), but also on the need for effective preparation of counsel, such that  
16 the ends of justice served by granting the continuance outweigh the best interest of the public and  
17 the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), (B)(iv);

18 **THEREFORE**, the parties mutually agree, stipulate, and request that the matter be  
19 continued for status until **Monday, June 4, 2007, at 10:00 a.m.** before this Court, with time  
20 excluded under the Speedy Trial Clock between May 21, 2007 and June 4, 2007, based on  
21 complexity of the matter, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), (B)(ii) as well as the need for  
22 effective preparation of counsel, such that the ends of justice served by granting the continuance  
23 outweigh the best interest of the public and the defendant in a speedy trial, pursuant to  
24 18 U.S.C. §§ 3161(h)(8)(A), (B)(iv).

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1 Finally, consistent with the Court's prior request to the parties, the parties will prepare and  
2 file a joint case management statement in advance of the status conference hearing and no later  
3 than May 29, 2007.

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5 **IT IS SO STIPULATED.**

6 SCOTT N. SCHOOLS  
7 UNITED STATES ATTORNEY

8 DATED: May 7, 2007

9 /S/ Timothy J. Lucey  
10 TIMOTHY J. LUCEY  
11 Assistant United States Attorney

12 COOLEY GODWARD KRONISH LLP

13 DATED: May 7, 2007

14 /S/ Neal Stephens  
15 NEAL STEPHENS, ESQ.  
16 Attorney for Defendant KENT H. ROBERTS

17 **IT IS SO ORDERED.**

18 DATED: May 15, 2007

